

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                   SOUTHERN DIVISION

4                   CATINA PARKER, as Personal      )  
5                   Representative of the Estate      )  
6                   of Leonard Parker, Jr.,          )  
7                   Deceased,                          )  
8                   Plaintiff,                         )  
9                   vs.                                  ) No. 1:21-cv-00217  
10                  CITY OF GULFPORT, a municipal )  
11                  corporation JASON CUEVAS, in    )  
12                  his individual and official    )  
13                  capacity; and JOHN DOE        )  
14                  OFFICERS #1-5 in their        )  
15                  official and individual    )  
16                  capacities,                        )  
17                  Defendants.                        )

18                  The deposition of BRAD GARRETT,  
19                  called by the Plaintiff for examination, taken  
20                  via videoconference, pursuant to Notice and pursuant  
21                  to the Federal Rules of Civil Procedure for the  
22                  United States District Courts pertaining to the  
23                  taking of depositions, before Margaret A. Ritacco,  
24                  Certified Shorthand Reporter, on January 14,  
25                  2025, at 10:06 a.m.

26                  Reported by: MARGARET A. RITACCO, CSR

27                  License No.: 084-002796



1 MR. BRUNI: Object to the form.

2 MR. WHITFIELD: Join.

3 THE WITNESS: See, that's where you get me  
4 from, ma'am. You know, I'm hesitant to answer  
5 this question because I don't want to say  
6 something that's not true. I know that I can  
7 look at evidence and come to a conclusion. You  
8 know, I'm thinking, you know, situations other  
9 than that. I'm not talking about this  
10 particular case.

11 when I walked onto the scene, it was  
12 obvious that there was gun fire from the front  
13 of that truck. And it was obvious that it  
14 struck the windshield of that truck. You follow  
15 me? I don't have to have expertise to know  
16 commonsense. I know that there was a gun fire  
17 coming from the front of that vehicle to that  
18 windshield. That just would be a good example  
19 of -- I mean, am I expert because of that?

20 BY MS. HARTON:

21 Q. So, my question is more specific. You  
22 don't have any -- you don't have the training or  
23 expertise to look at the Biloxi investigatory  
24 file and determine whether or not Officer Cuevas



1 was directly in front of the vehicle, or to the  
2 side of the vehicle, or somewhere else when he  
3 shot at the vehicle, fair?

4 MR. BRUNI: Object to the form.

5 MR. WHITFIELD: Same objection.

6 THE WITNESS: Pardon me. I don't mean to  
7 laugh. I'm trying to get to the base of this  
8 question. If I'm told -- for example, if I am  
9 told by my crime scene unit that the casings are  
10 over here, and, you know, I have a general idea.  
11 But, no, I guess, exactly where he was  
12 standing -- and was it my investigation --  
13 immediately. And in this case, the crime scene  
14 unit would have had all those measurements and  
15 determinations.

16 You're right, I didn't do that. So,  
17 where do you want me to go with -- what else do  
18 you want me to say? I mean, I'm asking.

19 BY MS. HARTON:

20 Q. You don't have any role in recommending  
21 whether or not an officer receives any sort of  
22 discipline from his employer or the --

23 A. No.

24 Q. -- police department, correct?



1 A. Yes.

2 Q. So, you don't have to have any  
3 expertise to understand that, do you?

4 A. No.

5 Q. It's pretty obvious?

6 A. Well, I think -- I absolutely -- I  
7 mean, yeah -- I mean, you don't -- expertise is  
8 the word that is getting me here, guys.

9 Q. Sure.

10 A. Okay?

11 Q. Sure.

12 A. I didn't -- I was an MBI since 2008  
13 until 2023.

14 Q. Right.

15 A. There's a lot of experience there.

16 Q. Right.

17 A. A lot of experience.

18 Q. Right.

19 A. And common sense.

20 Q. Right.

21 A. And -- and I can tell you, a lot of law  
22 enforcement is commonsense and putting things  
23 together. And, yeah, if there were -- if I was  
24 told by someone that they shot at the front of



1 the vehicle -- from the front of the vehicle and  
2 the bullet holes were on the side or coming  
3 through the backlash, that's just common sense  
4 that that didn't happen, the way they said it  
5 happened.

6 Q. Well, here is --

7 A. Right?

8 Q. Correct. Well, here's the bottom line  
9 with me.

10 A. Okay.

11 Q. You don't have to have any particular  
12 expertise, like going to school for  
13 experience --

14 A. Yeah.

15 Q. -- that when Officer Cuevas said he  
16 discharged his weapon in the front of the  
17 vehicle and the bullet holes are coming in on  
18 the side --

19 MS. HARTON: I'm going to --

20 BY MR. WHITFIELD:

21 Q. -- you don't have to be any expert,  
22 right?

23 MS. HARTON: I'm going to object to  
24 foundation and to form.



1 MR. WHITFIELD: Sure.

2 THE WITNESS: No.

3 BY MS. HARTON:

4 Q. And in the like fashion, when you  
5 showed up, were the shell casings still where  
6 they came to rest as far as you knew? When you  
7 got there, were the shell casings still there?

8 MS. HARTON: Object to form.

9 THE WITNESS: As far as I know, yeah.

10 MR. WHITFIELD: Okay.

11 THE WITNESS: As far as I know.

12 BY MR. WHITFIELD:

13 Q. As far you know. And you don't know  
14 anybody that altered the placement of those  
15 shell casings, correct?

16 A. No. No.

17 Q. And were you told by whoever it was  
18 that when you came to see when you got there  
19 that nobody touched anything?

20 A. As far as somebody in particular  
21 telling me that, I can't recall anybody  
22 particularly telling me that. But it was a  
23 crime scene.

24 Q. Right.



1 me, commonsense, that it wasn't from the front.

2 Q. Right.

3 A. Yeah.

4 Q. So, you really don't -- and by the way,  
5 just a minute ago, I think that when we were  
6 talking about the window glass and kind of the  
7 inconsistent kind of state of the facts, if  
8 Officer Cuevas said that he discharged his  
9 weapon in the front of the vehicle and into the  
10 front windshield, but the entry -- the entry  
11 areas of those bullet holes were in the side  
12 window glass of the driver, it would be  
13 inconsistent -- that kind of factual evidence  
14 would be inconsistent with him discharging his  
15 weapon in front of the vehicle, correct?

16 MS. HARTON: Object to form.

17 THE WITNESS: Yes.

18 MR. WHITFIELD: Okay.

19 BY MR. WHITFIELD:

20 Q. And you don't need to be an expert to  
21 see that, right?

22 A. No.

23 MS. HARTON: Object to form.

24 MR. WHITFIELD: Okay.



1       A. I would -- again, it's been awhile  
2 since I've seen that video.

3       Q. Sure. Yes, sir.

4       A. Okay. I can't say for certain the  
5 exact wording.

6       Q. Yes, sir.

7       A. But I can say there's somewhere that  
8 I don't -- that I don't know if he was at the  
9 time talking to Officer Cook or talking to  
10 himself, because he spent a lot of time talking  
11 to himself in that video.

12      Q. All right.

13      A. But at some point in there, that is  
14 basically what I heard, in some form or fashion.  
15 I can't tell you exactly what he said without  
16 watching it again. It's -- it's been awhile  
17 since I watched that video, but I do remember  
18 something to that effect.

19      Q. So the words attributable to him on  
20 Exhibit No. 68 are, "Man, I told that dude to  
21 stop. I said man, slow down, the police right  
22 there, and he kept going. That is why they  
23 shot. They wasn't wrong, man. I told him to  
24 stop and he kept going." Those are in quotes in



1 Exhibit 68, correct?

2 Did I read that correctly?

3 A. Yes. You did, yes.

4 Q. Did you -- when you -- did you  
5 interview him at the police station, at the  
6 Gulfport --

7 A. Yes. Yes.

8 Q. Now, when you interviewed him, were you  
9 aware that these particular statements --

10 A. I -- -

11 Q. -- were attributable to him by  
12 Office Cook?

13 MS. HARTON: Object to the form of the  
14 question.

15 THE WITNESS: No, I didn't know about any of  
16 the video until I got it later as evidence and I  
17 was able to watch that. I'm not sure exactly  
18 what time that was. But it certainly wasn't  
19 before I interviewed Markray at the police  
20 station.

21 BY MR. WHITFIELD:

22 Q. Right.

23 A. I didn't.

24 Q. All right. So, when you interviewed



1 have recorded it. That is something that don't  
2 happen in my presence, so.

3 Q. You would not tolerate that, had you  
4 known, correct?

5 A. Absolutely not.

6 Q. Did any of the witnesses give you any  
7 reason to believe that they were telling you  
8 what you wanted to hear or telling you what  
9 would have been preferable to law enforcement  
10 because they felt threatened?

11 MS. HARTON: Object to form.

12 THE WITNESS: I don't have any reason to  
13 believe that they were telling me something just  
14 so they were -- because they felt threatened, is  
15 that what you're saying?

16 BY MR. WHITFIELD:

17 Q. Yeah. What I'm asking you is, do you  
18 know if any of the witnesses or were you aware  
19 of any of the witnesses saying something to you  
20 that was the result of them feeling threatened?

21 MS. HARTON: Object to form.

22 THE WITNESS: I have no reason to believe  
23 that. Again, I don't -- I can't read minds.  
24 And nothing happened in my presence, I can



1 assure you that. And I'm -- I was never told or  
2 informed, or in any way made aware that  
3 something happened.

4 MR. WHITFIELD: Okay.

5 THE WITNESS: Or if it did, I'm just saying,  
6 it didn't in my presence. And as far as I know,  
7 nobody told me it did.

8 MR. WHITFIELD: Right.

9 THE WITNESS: That's just the fairness of it.

10 MR. WHITFIELD: Right.

11 BY MR. WHITFIELD:

12 Q. Well, had that happened, would that  
13 affect the overall neutrality of your -- of your  
14 work product?

15 A. It wouldn't affect what happened, but  
16 it would certainly be a scar on the case file if  
17 that happened. I mean, it would be part of it.

18 Q. Right. Well, you, as being called in  
19 with the MBI, I mean, it would kind of be your  
20 job to make sure that the investigation were  
21 done bias free and threat free?

22 A. Absolutely. Absolutely.

23 Q. As far as you know, the product of your  
24 investigations was done just that. It was bias



1 free and it was threat free?

2 A. True, yes.

3 Q. Now, you mentioned something in your  
4 testimony a minute ago about there was some  
5 witnesses, alleged witnesses, that were in a  
6 house that was close by. And I think you  
7 indicated that either you or somebody else went  
8 into the house to talk to --

9 THE REPORTER: Counsel, wait. Wait. She's  
10 saying stop. One second.

11 (Zoom technical difficulties.)

12 MS. HARTON: Can you read back the last  
13 minute of the transcript? I missed everything.

14 MR. WHITFIELD: I can reask the question, if  
15 that helps.

16 MS. HARTON: Yeah, and I would like to  
17 confirm that I didn't miss anything important  
18 with the court reporter. And then I can just  
19 lodge my objection if I need to.

20 (Record read as requested.)

21 MR. WHITFIELD: I'm going to reask the last  
22 question, at least to try to get us back to  
23 square one before Sam lost her connection.

24 THE WITNESS: Okay.



1 Q. Right.

2 A. -- to the grand jury.

3 MR. WHITFIELD: I think that I am done with  
4 my examination of this witness. And I guess  
5 we'll need to find out whether Mr. Bruni got  
6 anything.

7 MR. BRUNI: I just got a couple of questions.

8 EXAMINATION

9 BY MR. BRUNI:

10 Q. Captain, my name is Jeff Bruni. I  
11 represent the City of Gulfport in this case.  
12 The city also is being sued in addition to  
13 officer Joseph Cuevas.

14 Can you hear me okay?

15 A. Yes, sir, I got you.

16 Q. Thank you. I'm just going to do some  
17 follow-up questions. I'm going to keep them  
18 very limited, after hearing thus far.

19 Is everything that you physically  
20 observed at the scene of this incident  
21 consistent with Officer Cuevas discharging his  
22 weapon from the front of the truck?

23 MS. HARTON: Object to form.

24 THE WITNESS: So you're asking me did the --



1 as far as the truck, like we went through  
2 earlier, the evidence lined up with what he  
3 said.

4 MR. BRUNI: Got you.

5 THE WITNESS: As far as firing his weapon  
6 from the front of the vehicle and where the  
7 truck was located, the final rest, that lines  
8 up.

9 MR. BRUNI: Yes, sir. Okay.

10 BY MR. BRUNI:

11 Q. And, Captain, do you have any reason to  
12 believe that Mr. Markray, the passenger that was  
13 in Mr. Parker's vehicle or his truck that you  
14 interviewed, do you have any reason to believe  
15 that Mr. Markray was not telling you truth in  
16 his interview?

17 A. I have, no --

18 MS. HARTON: Objection, form.

19 THE WITNESS: I have no reason to believe  
20 that. Again, it was on video, and he said  
21 certain things alone, then he said things to the  
22 investigators, so.

23 BY MR. BRUNI:

24 Q. And, so, you have no reason to believe



1 that what he told you in your interview of him  
2 was a lie or was not the truth, correct?

3 MS. HARTON: Object to form.

4 THE WITNESS: Going back to -- and I just  
5 want to be clear on this. When I interview a  
6 witness, no matter who they are, I'm getting  
7 their statement. And if it lines up other  
8 witnesses -- oh, excuse me, then it lines up  
9 with other evidence in this case. There did  
10 appear to be some video evidence that agree, so  
11 I had know reason to believe that he was lying  
12 to me.

13 BY MR. BRUNI:

14 Q. Okay. And what Mr. Markray told you, I  
15 think you said, lined up with the video  
16 evidence, you're referring to the vehicle or the  
17 dashcam video that was from Officer Cook's  
18 vehicle of that crime?

19 A. Yes.

20 Q. But, also, too, Mr. Markray's  
21 interview, what he gave you also lined up with  
22 what you physically observed at the scene,  
23 correct?

24 MS. HARTON: Object to form.



1       THE WITNESS: Excuse me, counsel, can you  
2 repeat that last two sentences? I didn't --  
3

BY MR. BRUNI:

Q. So, what Markray -- what Mr. Markray  
also told you -- I know you just said that  
what -- the video that your observed from  
officer Cook's dashcam video was what the  
statements Mr. Markray made unsolicited to  
himself in that vehicle also lined up and were  
consistent with what he, Mr. Markray, told you  
in your interview with him, correct?

A. Yes.

Q. Okay. In addition to that, though,  
what Mr. Markray told you in your interview of  
him also lined up, though, with the physical  
evidence that you observed at the scene; is that  
correct?

MS. HARTON: Object to form.

THE WITNESS: Yes. I mean, it's based on the  
fact that Officer Cuevas was in the front of the  
vehicle. As far as that kind of evidence goes,  
yes.

MR. BRUNI: That's all the questions I have.

Thank you, Captain.



1 STATE OF ILLINOIS )

2 ) SS

3 COUNTY OF COOK )

4 I, MARGARET A. RITACCO Certified

5 Shorthand Reporter, do hereby certify that

6 heretofore, to-wit, on the 14th day of January,

7 2025, BRAD GARRETT, appeared remotely via

8 videoconference, in a cause now pending and

9 undetermined in the United States District Court

10 for the Southern District of Mississippi,

11 Southern Division, wherein CATINA PARKER is the

12 Plaintiff, and CITY OF GULFPORT, et al., are the

13 Defendants.

14 I further certify that the said,

15 BRAD GARRETT, was first duly sworn to

16 testify the truth, the whole truth and nothing

17 but the truth in the cause aforesaid; that the

18 testimony then given by said witness was

19 reported stenographically by me in the presence

20 of the said witness, and afterwards reduced to

21 typewriting by Computer-Aided Transcription, and

22 the foregoing is a true and correct transcript

23 of the testimony so given by said witness as

24 aforesaid.



I further certify that the signature to  
the foregoing deposition was reserved by  
counsel for the respective parties.

4 I further certify that the taking of this  
5 deposition was pursuant to notice and that there  
6 were present at the deposition the attorneys  
7 hereinbefore mentioned.

I further certify that I am not counsel  
for nor in any way related to the parties to  
this suit, nor am I in any way interested in the  
outcome thereof.

12 IN TESTIMONY WHEREOF: I have hereunto  
13 set my verified digital signature on this 28th  
14 day of January 2025. 

<sup>25</sup> Margaret A. Ritacco

MARGARET A. RITACCO, CSR

License No. 084-002796